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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

GAD/74/62/19541

The Goa, Daman and Diu (Laws) Regulation no. 12 of 1962 promulgated by the President of India is hereby reproduced for the information of the general public.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. U. Desai, Additional Civil Administrator, GAD.

Panjim, 28th November, 1962.

The Goa, Daman and Diu (Laws) Regulation, 1962

No. 12 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This regulation may be called the Goa, Daman and Diu Short title and commencement.
(Laws) Regulation, 1962.

(2) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,— Definitions.

(a) «Act» means and Act or the Ordinance specified in the Schedule;

(b) «Goa, Daman and Diu» means the Union territory of Goa, Daman and Diu;

(c) «Lieutenant-Governor» means the Administrator of Goa, Daman and Diu.

Extension with amendments of certain laws to Goa, Daman and Diu and their commencement therein.

3. (1) The Acts, as they are generally in force in the territories to which they extend, shall extend to Goa, Daman and Diu, subject to the modifications, if any, specified in the Schedule.

(2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Goa, Daman and Diu on such date as the Lieutenant-Governor may, by notification in the Goa, Daman and Diu Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and saving.

4. (1) Any law in force in Goa, Daman and Diu or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in Goa, Daman and Diu or such area, as the case may be.

(2) Nothing in sub-section (1) shall affect —

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent permit or licence granted, or registration effected) under any such law, shall be deemed to have been done or taken under the corresponding provision of the Act extended to Goa, Daman and Diu and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Extension of rules, orders, etc., under certain laws.

5. (1) All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Goa, Daman and Diu, extend to, and come into force in Goa, Daman and Diu.

(2) Notwithstanding anything contained in sub-section (1), no rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the following Acts, namely: —

(i) The Indian Explosives Act, 1884,	4 of 1884.
(ii) The Petroleum Act, 1934,	30 of 1934.
(iii) The Imports and Exports (Control) Act, 1947,	18 of 1947.
(iv) The Inflammable Substances Act, 1952,	20 of 1952.
(v) The Essential Commodities Act, 1955,	10 of 1955.

shall extend to, and come into force in Goa, Daman and Diu unless the Central Government, by notification in the Official Gazette, otherwise directs.

6. (1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Goa, Daman and Diu by this Regulation,—

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory;

Provided that —

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary,

the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor;

5 of 1898.

(c) until the Code of Criminal Procedure, 1898, is brought into force in that Union territory and Magistrates are appointed thereunder, any reference to a Magistrate shall be construed as a reference to the District Judge; and

(d) any reference to the High Court shall, until the jurisdiction of the High Court at Bombay is extended to that Union territory, be construed as a reference to the High Court functioning therein immediately before the commencement of this Regulation.

(2) For the purpose of facilitating the application in relation to Goa, Daman and Diu of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

5 of 1898.

7. Until the relevant provisions of the Code of Criminal Procedure, 1898, are brought into force in Goa, Daman and Diu, all offences under any Act shall be investigated, inquired into, tried and otherwise dealt with according to the provisions of the corresponding law in force in Goa, Daman and Diu.

8. If any difficulty arises in giving effect in Goa, Daman and Diu to the provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

THE SCHEDULE

(See section 2)

Year	No.	Short title	Modifications
1	2	3	4
1838	19	The Coasting-Vessels Act, 1838.	
1857	13	The Opium Act, 1857.	
1860	21	The Societies Registration Act, 1860.	
1860	45	The Indian Penal Code.	
1861	5	The Police Act, 1861.	
1867	25	The Press and Registration of Books Act, 1867.	
1878	1	The Opium Act, 1878.	
1878	8	The Sea Customs Act, 1878.	
1881	16	The Obstructions in Fairways Act, 1881.	
			After the words, figures and letters «in the territories which, immediately before the 1st November, 1956, were comprised in Part A States and Part C States» wherever they occur, insert «or in the Union territory of Goa, Daman and Diu».

Year	No.	Short title	Modifications
1	2	3	4
1881	26	The Negotiable Instruments Act, 1881.	
1883	19	The Land Improvement Loans Act, 1883.	
1884	4	The Indian Explosives Act, 1884.	
1884	12	The Agriculturists' Loans Act, 1884.	
1888	3	The Police Act, 1888.	
1890	1	The Revenue Recovery Act, 1890.	
1890	9	The Indian Railways Act, 1890.	
1897	4	The Indian Fisheries Act, 1897.	
1897	10	The General Clauses Act, 1897.	
1898	5	The Code of Criminal Procedure, 1898.	
1898	9	The Live-stock Importation Act, 1898.	
1903	7	The Indian Works of Defence Act, 1903.	
1905	4	The Indian Railway Board Act, 1905.	
1908	6	The Explosive Substances Act, 1908.	
1908	15	The Indian Ports Act, 1908.	
1910	9	The Indian Electricity Act, 1910.	
1911	2	The Indian Patents and Designs Act, 1911.	
1917	1	The Inland Steam-vessels Act, 1917.	
1917	5	The Destruction of Records Act, 1917.	
1920	15	The Indian Red Cross Society Act, 1920.	
1920	34	The Indian Passport Act, 1920.	
1922	7	The Indian Emigration Act, 1922.	
1922	22	The Police (Incitement to Disaffection) Act, 1922.	
1923	5	The Indian Boilers Act, 1923.	
1923	8	The Workmen's Compensation Act, 1923.	
1923	19	The Indian Official Secrets Act, 1923.	
1924	4	The Central Board of Revenue Act, 1924.	
1925	19	The Provident Funds Act, 1925.	
1925	26	The Indian Carriage of Goods by Sea Act, 1925.	
1926	16	The Indian Trade Unions Act, 1926.	
1927	17	The Indian Lighthouse Act, 1927.	
1930	2	The Dangerous Drugs Act, 1930.	
1931	16	The Provisional Collection of Taxes Act, 1931.	
1934	22	The Aircraft Act, 1934.	
1934	30	The Petroleum Act, 1934.	
1934	32	The Indian Tariff Act, 1934.	
1936	4	The Payment of Wages Act, 1936.	
1938	4	The Insurance Act, 1938.	
			In section 118, clause (d), add at the end: «; or (iv) any fund in existence in the Union territory of Goa, Daman and Diu on the 20th December, 1961 and maintained by or on behalf of Government servants or Government pensioners or on behalf of employees of any autonomous body and intended for the mutual benefit of contributors to the fund or for any other purpose.».
1938	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	
1939	4	The Motor Vehicles Act, 1939.	
			In the Sixth Schedule, after the entry relating to the Laccadive, Minicoy and Amindivi Islands, insert: «Goa, Daman and Diu (GDD) ».
1939	16	The Registration of Foreigners Act, 1939.	
1941	11	The Essential Services Maintenance Ordinance, 1941.	
1942	6	The Multi-Unit Co-operative Societies Act, 1942.	
1944	1	The Central Excises and Salt Act, 1944.	
1944	18	The Public Debt Act, 1944.	
1946	20	The Industrial Employment (Standing Orders) Act, 1946.	
1946	25	The Delhi Special Police Establishment Act, 1946.	
1946	31	The Foreigners Act, 1946.	
1947	2	The Prevention of Corruption Act, 1947.	
1947	7	The Foreign Exchange Regulation Act, 1947.	
1947	14	The Industrial Disputes Act, 1947.	
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	
1947	18	The Imports and Exports (Control) Act, 1947.	
1947	29	The Capital Issues (Control) Act, 1947.	
1947	31	The Antiquities (Export Control) Act, 1947.	
1948	15	The Industrial Finance Corporation Act, 1948.	
1948	31	The National Cadet Corps Act, 1948.	
1948	56	The Territorial Army Act, 1948.	
1949	8	The Seaward Artillery Practice Act, 1949.	
1950	12	The Emblems and Names (Prevention of Improper Use) Act, 1950.	
1950	40	The Army and Air Force (Disposal of Private Property) Act, 1950.	
1950	45	The Air Force Act, 1950.	

Year	No.	Short title	Modifications
1	2	3	4
1950	46	The Army Act, 1950.	
1950	49	The Contingency Fund of India Act, 1950.	
1951	65	The Industries (Development and Regulation) Act, 1951.	
1952	20	The Inflammable Substances Act, 1952.	
1952	35	The Mines Act, 1952.	
1952	53	The Notaries Act, 1952.	
1952	60	The Commissions of Inquiry Act, 1952.	
1953	27	The Air Corporations Act, 1953.	
1954	27	The Delivery of Books and News papers (Public Libraries) Act, 1954.	
1955	10	The Essential Commodities Act, 1955.	
1955	16	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.	
1955	22	The Untouchability (Offences) Act, 1955.	
1955	51	The Railway Stores (Unlawful Possession) Act, 1955.	
1956	1	The Companies Act, 1956.	(i) After section 2, insert: <div data-bbox="991 747 1503 859" data-label="Text"> <p>‘2A. Construction of certain references in the application of Act to Goa, Daman and Diu.—In the application of this Act to the Union territory of Goa, Daman and Diu—</p> </div> <div data-bbox="1007 859 1503 996" data-label="Text"> <p>(a) the expression «commencement» wherever it is used in relation to this Act as enacted in 1956 or in relation to the Companies (Amendment) Act, 1960, means the commencement of this Act in that Union territory;</p> </div> <div data-bbox="1007 996 1503 1133" data-label="Text"> <p>(b) references to the dates specified in sections 37 (1) and (2), 125 (1), 294 (3)(a), 295 (6) and 618, and the first proviso to section 284 (1) shall be construed as references to the commencement of this Act in that Union territory;</p> </div> <div data-bbox="1007 1133 1503 1221" data-label="Text"> <p>(c) reference to the 1st day of December, 1949 in sub-section (4) of section 89 shall be construed as a reference to the 1st day of April, 1956;</p> </div> <div data-bbox="1007 1221 1503 1308" data-label="Text"> <p>(d) reference to the 15th day of August, 1956 in sub-section (4) of section 325 shall be construed as a reference to the 31st day of March, 1963;</p> </div> <div data-bbox="1007 1308 1503 1445" data-label="Text"> <p>(e) references to the 15th day of August, 1960 in section 330 and sub-section (1) of section 332 shall be construed as references to the date of expiry of two years from the commencement of this Act in that Union territory;</p> </div> <div data-bbox="1007 1445 1503 1532" data-label="Text"> <p>(f) reference to the 1st day of March, 1958 in section 361 shall be construed as a reference to the 1st day of March, 1964.»;</p> </div> <div data-bbox="958 1532 1503 1582" data-label="Text"> <p>(ii) in section 3 (1) (ii), after sub-clause (2) of clause (f) insert:</p> </div> <div data-bbox="1205 1582 1255 1607" data-label="Text"> <p>«or</p> </div> <div data-bbox="991 1607 1503 1669" data-label="Text"> <p>(3) in the Union territory of Goa, Daman and Diu or any part thereof, before the commencement of this Act therein;».</p> </div>

Year	No.	Short title	Modifications
1	2	3	4
1961	23	The Criminal Law Amendment Act, 1961.	
1961	47	The Deposit Insurance Corporation Act, 1961.	
1859	24	The Madras District Police Act, 1859.	<p>(i) In the long title, for the words «within the territories subject to the Presidency of Fort St. George», substitute «within the Union territory of Goa, Daman and Diu».</p> <p>(ii) In the preamble and in section 8, for the words «Madras Presidency» substitute «Union territory of Goa, Daman and Diu».</p> <p>(iii) Omit section 12.</p> <p>(iv) In sections 42 and 43, for the words «Madras Fire Services», substitute «Fire Services in the Union territory of Goa, Daman and Diu».</p> <p>(v) In section 43, omit «either» and «or under section 62-A of the Madras City Police Act, 1888».</p> <p>(vi) Omit section 54A and the Schedule.</p>
1924	IV	The Punjab Motor-Vehicles Taxation Act, 1924.	<p>(i) In the long title, preamble, section 1 (2) and section 15 (2) (c) for «Punjab» substitute «the Union territory of Goa, Daman and Diu».</p> <p>(ii) In section 3, sub-section (1), for the words «at the rate specified in the Schedule to this Act» substitute «at such rate, not exceeding the rate specified in the Schedule to this Act, as the State Government may by notification specify».</p> <p>(iii) In section 4 —</p> <p>(a) in sub-section (1), for «before the 30th day of April, 1925» substitute «before the expiry of 30 days from the commencement of this Act» and for «10th day of April, 1925» substitute «commencement of this Act».</p> <p>(b) in the proviso to sub-section (2), for «10th day of April, 1925» substitute «commencement of this Act».</p> <p>(iv) In section 12, for the words «to the Commissioner» substitute «to such other officer as the State Government may specify in this behalf» and for the words «or Commissioner» substitute «or the other officer so specified».</p> <p>(v) In section 15, sub-section (2), clause (i) for «State» substitute «Union territory».</p>
1961	XXIV	The Maharashtra Co-operative Societies Act, 1960.	<p>(i) Throughout the Act, —</p> <p>(a) for the words «State of Maharashtra» substitute «Union territory of Goa, Daman and Diu»;</p> <p>(b) for the word «State» (except where it occurs in the expression «State Government» and except in Chapter V and section 159) substitute «Union territory»;</p> <p>(c) for the words «Official Gazette» substitute «Goa, Daman and Diu Gazette».</p> <p>(ii) In section 2, in clause (30), for the words «Maharashtra State Co-operative Tribunal» substitute «Goa, Daman and Diu Co-operative Tribunal».</p> <p>(iii) Omit sections 14 and 18.</p> <p>(iv) In Chapter V, for the words «State Government» wherever they occur, substitute «Central Government».</p> <p>(v) Omit section 101.</p> <p>(vi) In section 111, omit clause (m).</p> <p>(vii) In section 149, in sub-section (1), for the words «Maharashtra State Co-operative Tribunal» substitute «Goa, Daman and Diu Co-operative Tribunal».</p>

Year	No.	Short title	Modifications
1	2	3	4
			(viii) In section 159, —
			(a) in sub-section (1) for the words «in any other State» substitute «elsewhere in India»;
			(b) in sub-section (2), for the words «in any other State» substitute «elsewhere in India», for the words «Maharashtra State» in the two places where they occur, substitute «Union territory of Goa, Daman and Diu» and for the words «Registrar of the State» substitute «Registrar of the State or Union territory».
			(ix) In section 165, omit sub-section (4).
			(x) Omit section 166.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.